

REMARKS / ARGUMENTS

Claims 42-46 remain pending in this application.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Specification

The Abstract has been amended as required by the Examiner. However, it should be noted that the abstract was already amended, as in the parent application, in a preliminary amendment filed on March 15, 2004. Nevertheless, this amendment is being re-submitted for the Examiner's convenience.

Claim Objections

Claim 44 has been amended as suggested by the Examiner.

35 U.S.C. § 103

Claims 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Benson et al (U.S. Patent No. 5,845,281) in view of official notice. Claims 45-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Benson et al in

view of Haff et al (U.S. Patent No. 6,219,669) and official notice. These rejections are traversed as follows.

According to the presently claimed invention, in order to display a list of previously purchased contents that can be re-downloaded, a digital contents personal using conditioning management table 217 is stored in a digital contents sales apparatus and includes the contents previously purchased. In order to create this list, the present invention includes a retrieval unit which searches for the purchased digital contents for each user from the digital contents personal using condition management table (for example, see the digital contents personal using condition retrieval processing unit 219 in Fig. 2). This retrieval unit 219 searches the digital contents personal using condition management table 217 to create the list. The digital contents personal using condition management table 217 is shown, by way of example, in Figs. 24 and 35. The list of previously purchased contents can be displayed for re-downloading.

Benson et al. are silent on this point and Applicants respectfully submit that the Examiner cannot take "Official Notice" of the personal using condition list page. This list page, shown by way of example in Fig. 38, is provided in order to permit re-downloading.

In Benson et al., the data object and the predetermined conditions 42 are included in a data object provider 1 (See, Fig. 1). However, the predetermined conditions 42 mainly include a general set of control data 50 and never store information as to purchased digital contents and personal using conditions or a

correspondence relationship therebetween. Instead, in Benson et al., information having a correspondence relationship between the purchased digital contents and the personal using conditions are already sent to the user. Therefore, the re-downloading of the purchased contents is not given any consideration by Benson et al.

Column 3, line 44 to column 4, line 4 of Benson et al. merely discloses the transfer of created control data to the user. This portion fails to disclose or suggest that control data is stored with the information of the purchased digital contents in the digital contents sales apparatus. At column 9, line 61 to column 10, line 52 of Benson et al., data packaging is disclosed. However, this packaged data is never used for re-downloading. Instead, the packaged data is sent to the user. Finally, at column 12, line 29 to column 13, line 4, the processing of a user program is disclosed, but not the processing of a server, or digital contents sales apparatus, or the like.

On the other hand, according to the presently claimed invention, in order to display a list page for re-downloading, a digital contents personal using condition management table 217 is stored in a "server", or digital contents sales apparatus, for all of the contents purchased. The list page is generated based on digital contents personal using conditions that are searched from the digital contents personal using condition management table 217.

The deficiencies in Benson et al. are not overcome by resort to Haff et al. Haff et al. merely disclose a resume function of downloading and do not disclose or

suggest downloading a list as presently claimed. In addition, Haff et al. do not disclose storing purchased digital contents so as to have a correspondence relationship with certain conditions. Finally, Haff et al. do not disclose any digital contents personal using condition management table 217 or a digital personal using condition retrieval processing unit 219. As such, it is submitted that the pending claims are patentable over the art of record.

Interview

Applicants request that the Examiner conduct an interview with the undersigned in order to expedite prosecution of this application. As such, the Examiner is hereby invited to contact the undersigned by telephone to arrange an appropriate date and time for such interview.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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